

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

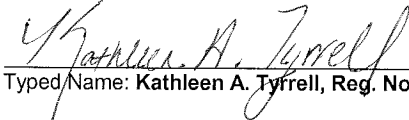
Attorney Docket No.: ABLE0032US.NP  
Inventors: Urbaniak et al.  
Serial No.: 10/563,204  
Filing Date: July 10, 2006  
Customer No: 26259  
Examiner: Szperka, Michael Edward  
Group Art Unit: 1644  
Confirmation No: 6475  
Title: Pharmaceutical Compositions Comprising  
an Epitope of Platelet GPIIIA Protein

**Electronically Submitted via EFS-Web**

Date: December 12, 2008

I hereby certify that this paper is being electronically  
submitted on the date indicated above to the  
Commissioner for Patents, U.S. Patent &  
Trademark Office

By

  
Typed Name: Kathleen A. Tyrrell, Reg. No. 38,350

Commissioner for Patents  
U.S. Patent & Trademark Office

Dear Sir:

**Response to Notice of Abandonment**

This is a Response to the Notice of Abandonment dated  
December 12, 2008 for failure to timely file a proper reply to  
the Office letter mailed on 22 February 2008. Applicants draw  
attention to the Combined Amendment & Petition for Extension of  
Time under 37 CFR 1.136(a) and Reply to the Restriction  
Requirement filed on April 22, 2008. Copies of these documents  
along with the EFS Acknowledgement Receipt are provided herewith.

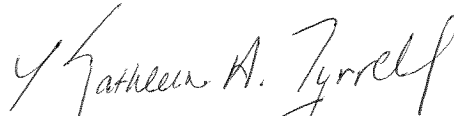
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A review of the documents filed on April 22, 2008, indicates the wrong attachments were inadvertently submitted by our office. It is clear by the support provided herewith that Applicants did not intend for this Application to go abandoned.

Applicants respectfully request that the Notice of Abandonment be withdrawn.

A Credit Card Payment Form for the requisite fees is attached to cover the surcharge. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-1619.

Respectfully submitted,



Kathleen A. Tyrrell  
Registration No. 38,350

Date: December 12, 2008

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053  
(856) 810-1515



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,204	07/10/2006	Stanislaw Joseph Urbaniak	ABLE0032US.NP	6475
26259	7590	12/12/2008		
LICATA & TYRRELL P.C. 66 E. MAIN STREET MARLTON, NJ 08053			EXAMINER SZPERKA, MICHAEL EDWARD	
			ART UNIT 1644	PAPER NUMBER
			NOTIFICATION DATE 12/12/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

poreilly@licataandtyrrell.com

**Notice of Abandonment**

Application No.

10/563,204

Examiner

Michael Szperka

Applicant(s)

URBANIAK ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 22 February 2008.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Michael Szperka/  
Primary Examiner, Art Unit 1644

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

**Acknowledgement Receipt**

The USPTO has received your submission at **12:47:49** Eastern Time on **22-APR-2008**.

\$ **60** fee paid by e-File via *RAM* with Confirmation Number: 7005.

**eFiled Application Information**

EFS ID	3188487
Application Number	10563204
Confirmation Number	6475
Title	Pharmaceutical compositions comprising an epitope of platelet gpIIb protein
First Named Inventor	Stanislaw Joseph Urbaniak
Customer Number or Correspondence Address	26259
Filed By	Kathleen A. Tyrrell
Attorney Docket Number	ABLE0032US.NP
Filing Date	10-JUL-2006
Receipt Date	22-APR-2008
Application Type	U.S. National Stage under 35 USC 371

**Application Details**

Submitted Files	Page Count	Document Description	File Size	Warnings
able24TRANS.pdf	1	Miscellaneous Incoming Letter	116147 bytes	◆ PASS
able24RR.pdf	4		244607 bytes	◆ PASS
		<b>Document Description</b>	<b>Page Start</b>	<b>Page End</b>
		Response to Election / Restriction Filed	1	1
		Applicant Arguments/Remarks Made in an Amendment	2	4
fee-info.pdf	2	Fee Worksheet (PTO-06)	8202 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance

of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

*If you need help:*

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail [EBC@uspto.gov](mailto:EBC@uspto.gov) for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*

Docket No.  
**ABLE0032US.NP**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/563,204	July 10, 2006	Szperka, Michael Edward	26259	1644	6475

COMMISSIONER FOR PATENTS:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	14      -	20      =	0	x      \$25.00	\$0.00
INDEP. CLAIMS	2      -	3      =	0	x      \$105.00	\$0.00
FEE FOR AMENDMENT					\$0.00
FEE FOR EXTENSION OF TIME					\$60.00
<b>TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME</b>					<b>\$60.00</b>

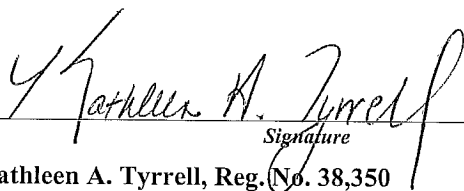
**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**

Docket No.  
**ABLE0032US.NP**

The fee for the amendment and extension of time is to be paid as follows:

- ☐ A check in the amount of \_\_\_\_\_ for the amendment and extension of time is enclosed.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_
- ☐ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. \_\_\_\_\_
- ☐ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **50-1619**
- ☒ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
\_\_\_\_\_  
Signature

Dated: April 22, 2008

Kathleen A. Tyrrell, Reg. No. 38,350  
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Facsimile: (856) 810-1454

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on \_\_\_\_\_

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:



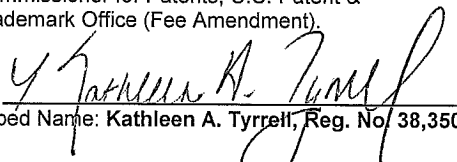
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Commissioner for Patents, U.S. Patent &  
Trademark Office (Fee Amendment).

By

  
Typed Name: Kathleen A. Tyrrell, Reg. No. 38,350

Commissioner for Patents  
U.S. Patent & Trademark Office  
(Fee Amendment)

Sir:

Reply to Restriction Requirement

This is a reply to the Restriction Requirement mailed  
February 22, 2008 setting a one (1) month statutory period  
for response. A Petition for a one (1) month extension of  
time and the requisite fee are provided herewith. Please  
enter the following remarks into the record.

Remarks begin on page 2.

Attorney Docket No.: **ABLE0032US.NP**  
Inventors: **Urbaniak et al.**  
Serial No.: **10/563,204**  
Filing Date: **July 10, 2006**  
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**REMARKS**

Claims 1-7 and 11-17 are pending in the instant application. These claims have been subjected to the following Restriction Requirement:

Group I, claims 1-7, drawn to compositions; and  
Group II, claims 11-17, drawn to methods.

The Examiner suggests that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical feature. Specifically, the Examiner suggests that the technical feature that links Groups I and II is polypeptide compositions comprising platelet antigens. The Examiner suggests that Bowditch et al. (U.S. Patent 5,939,524) discloses polypeptide derived from platelet GPIIIa that can be administered in compositions by a wide variety of routes including suppositories and orally. The Examiner suggests that applicants' technical feature does not appear to make a contribution over the art and therefore the instant invention is deemed to lack unity.

Applicants respectfully traverse this Restriction Requirement.

The present invention relates to immunologically effective platelet proteins or peptide fragments useful in

Attorney Docket No.: **ABLE0032US.NP**  
Inventors: **Urbaniak et al.**  
Serial No.: **10/563,204**  
Filing Date: **July 10, 2006**  
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preventing or managing a condition caused by exposure to an antithetical allele of a platelet by tolerization and methods for preventing or managing such a condition by tolerization using these platelet proteins or peptide fragments. It is these immunologically effective platelet proteins or peptide fragments that is the special technical feature linking Groups I and II.

In contrast, Bowditch relates to recombinant polypeptides that bind to HPA-1a and HPA-1b antibodies that can be used to generate and/or identify these antibodies. None of the peptides disclosed in Bowditch could be used in accordance with the present invention because instead of being recognized by helper T-cells to induce tolerization, they bind to native HPA antibodies. The polypeptides of Bowditch comprise conformational epitopes which rely on their tertiary structure for recognition (see col. 7, lines 24 to 31 of Bowditch) as opposed to being linear epitopes recognized by T-cells. Therefore, not only does Bowditch not hint at or suggest methods of treatment according to the present invention but the polypeptides disclosed therein would be wholly ineffective in the methods of the present invention because they would not, and could not, result in treatment by tolerization.

Attorney Docket No.: ABLE0032US.NP  
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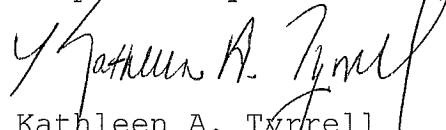
Accordingly, the technical feature of the instant claims clearly does make a contribution over teachings of Bowditch.

As the basis for this Restriction Requirement is improper, reconsideration and withdrawal is respectfully requested.

In an earnest effort to be completely responsive to the Restriction Requirement of record, however, Applicants elect Group II, claims 11 through 17, with traverse.

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



Kathleen A. Tyrrell  
Registration No. 38,350

Date: April 22, 2008

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